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TAGS: [PREL KWBG IS SETTLEMENTS ISRAELI PALESTINIAN AFFAIRS](#)

SUBJECT: FORMER CIVIL ADMINISTRATION HEAD REVEALS
SETTLEMENT CONSTRUCTION PROCESS

Classified By: DCM Gene A. Cretz for reasons 1.4 (b) and (d).

1. (C) Summary: The former head of the Civil Administration, Brigadier General (ret.) Dov "Fuffi" Sedaka, detailed the complex approval process for construction of new settlements and settlement neighborhoods in a January 30 meeting with Embassy economic officers. He made clear that no matter what stage of construction the project is in, all new settlements or new building projects in the territories require several approvals from the Minister of Defense himself in order to gain official status. Embassy will report septel how the burdensome process is undermined by retroactive approvals and how government ministries and local authorities provide the services and benefits to unauthorized construction. End summary.

Former Civil Administration Head Details
GOI Settlement Process

2. (C) On January 30, economic officers met with Boaz Karni and Col. (ret.) Shauli Arieli of the Economic Cooperation Foundation (ECF), and former Civil Administration head and current ECF consultant BG (ret.) Dov "Fuffi" Sedaka, to discuss the settlement building process (Note: Sedaka retired in October 2002. End note). Sedaka and Arieli gave a detailed description of the process by which settlements are established and developed in the West Bank and Gaza Strip. Sedaka detailed a five-step process that includes many layers of review at both the lower bureaucratic and senior levels, including multiple reviews by the Defense Minister. Sedaka also explained GOI involvement in supporting unauthorized construction of outposts (reported septel).

Phase 1: Establishing a New Settlement

3. (C) Sedaka said only two entities have the authority to establish new settlements in Israel, the Ministry of Construction and Housing (MCH) and the World Zionist Organization (WZO). In the case of the West Bank and Gaza Strip, Sedaka said the fully GOI-funded Settlements Division (SD) of the WZO is the establishing authority along with the MCH in establishing new settlements. According to Sedaka, the MCH or the SD locates a piece of land where they wish to establish a new settlement, determines what sort of community will be placed there (kibbutz, moshav, community-based town, etc.), and determines the size of the community. According to a 1980 government resolution, Sedaka said the establishing authority must submit the plan to the Ministers' Committee on Settlement Issues, which in the West Bank and Gaza Strip must include the Defense Minister. This committee prepares a proposal and presents it to the cabinet for authorization. If the cabinet approves the new settlement, it designates either MCH or SD to determine the specific location, build the infrastructure, and provide for utilities.

4. (C) According to Sedaka, the plan for a new settlement is then given over to the relevant IDF regional commander, who determines the municipal and jurisdictional boundaries of the settlement -- in the case of the West Bank it would be the commander of Central Command and in the case of the Gaza Strip it would be the commander of Southern Command. Jurisdictional boundaries enclose all the land designated as state land in proximity to the settlement. Municipal boundaries define territory appropriate for development of the settlement. Sedaka said that in many cases the municipal boundaries are not contiguous, which allows development of the settlement over a much larger area.

Phase II: Permission for Planning

5. (C) The next step, according to Sedaka, is for the group designated by the government to carry out the development of the settlement to request permission to begin planning from the Custodian of State Lands, a part of the Israel Lands

Authority (ILA). With the Custodian's approval, the new settlement plan goes to the head of the Civil Administration, who passes it to the head of the Coordinator of Operations in the territories, who then gives it to the Minister of Defense for approval. With the Defense Minister's approval, the Civil Administration and the establishing authority -- either the MCH or SD -- then sign a "Permission to Plan" contract. When econoff inquired about what is the basis for approval of a project or why a project would be rejected, Sedaka replied that "it's been so long since we have rejected a project that I couldn't say." He explained that the settlers' and GOI's policy was to build a lot of houses, put as many people as possible on the land, and to capture the area between major Palestinian cities because they thought they would stay there for many years.

16. (C) The establishing authority, according to Sedaka, prepares a "Town Building Plan" for the new settlement within the municipal boundaries established by the relevant IDF command. The "Town Building Plan" is then submitted to the Higher Planning Committee of the Civil Administration. The Higher Planning Committee is made up of the IDF, Ministry of Defense (MOD), relevant ministries such as Infrastructure and Transportation, and representatives of the regional settlement councils. If the Higher Planning Committee approves the plan, it is then submitted to the Minister of Defense for approval.

17. (C) The submission of the "Town Building Plan" is also the first step in the planning and development of a new neighborhood within an existing settlement, according to Sedaka. Sedaka said that the process for building a new neighborhood is identical to the steps for building a new settlement from this stage forward.

Phase III: Permission for Deposition

18. (C) Sedaka said that once the Defense Minister has approved the plan, the Higher Planning Committee submits the plan to its various subcommittees (roads, sewage, environmental, education, etc.). The plan returns to the Higher Planning Committee with recommendations from the subcommittees for another approval. If the Higher Planning Committee approves the plan again, it is submitted to the Defense Minister for approval of "Publication of Deposition." The "Publication of Deposition" is the first opportunity for the public to respond to the plan, according to Sedaka. Sedaka said that according to the law, the plan must be published in two major Hebrew-language papers and one Arabic-language paper.

19. (C) Sedaka said that those who object to the plan have two weeks to submit objections to the Higher Planning Committee's Sub-committee for Objections. If the Sub-committee determines that the objections have merit and alter the fundamental character of the plan, then the Higher Planning Committee sends the plan back to Phase II for the establishing authority to begin the planning process again. If the objections do not alter the fundamental nature of the plan, the Sub-committee can order the establishing authority to make the necessary adjustments to overcome the objections.

110. (C) According to Sedaka, the Higher Planning Committee will approve the deposition in the case of no objections or with the necessary adjustments made by the establishing authority. The Higher Planning Committee then submits the plan to the Minister of Defense to be validated.

Phase IV: Permission for Validity

111. (C) Sedaka said the Defense Minister will look over the deposition documents and then sign an "Agreement for Validity." According to Sedaka, objections to the "Agreement for Validity" can be submitted to the Higher Planning Committee within 60 days of when it was signed by the Minister. The Higher Planning Committee has the authority to accept or reject any objections during the 60-day period, after which the committee also signs the "Agreement of Validity" and then passes it back to the Minister of Defense. The Defense Minister then signs an "Announcement of Validity", which is published in the newspapers in the same format as "Publication of Deposition". Sedaka said that objections to the "Announcement of Validity" must be submitted to the High Court of Justice within 15 days of the publication of the to the High Court of Justice; otherwise, the plan is validated.

Phase V: Permission For Development

112. (C) Once the new project is validated, the establishing

body can request a development contract from the Higher Planning Committee and the Custodian of State Land. The Defense Minister must then approve the contents of the development contract before the Higher Planning Committee and the Head of the Infrastructure Division of the Civil Administration can sign the agreement with the establishing authority. Once the development contract is signed by the three parties listed above, the local or regional authority can issue construction permits to a private company, or tenders for construction can be released by the MCH for public construction projects.

Infrastructure Can Begin Before Construction
Permit Is Received

13. (C) Sedaka said that the establishing authority often wants to begin construction before the project receives final approval, and therefore the system allows for the construction of infrastructure to begin after the "Agreement for Validity" if no objections have been stated during the first 45 days of the 60-day objection period. A request to begin infrastructure construction is brought before the Higher Planning Committee and then the Defense Minister for approval. If the request is approved, the establishing authority will sign a contract with the Higher Planning Committee and the Head of the Infrastructure Division of the Civil Administration to begin construction.

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